

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

JUDY MORRIS, individually,  
  
Plaintiff,  
  
v.

NO: CV-08-396-RMP

DOES 1-10,  
  
Defendants.

ORDER GRANTING DEFENDANT  
MITSUBISHI MOTORS R&D OF  
AMERICA'S MOTION FOR  
SUMMARY JUDGMENT

Before the Court is Defendant Mitsubishi Motors R&D of America's (MRDA) Motion for Summary Judgment (Ct. Rec. 61). The Court, having reviewed the file and motion and heard from counsel, finds good cause to grant Defendant MRDA's motion. This order memorializes and further explains the Court's oral ruling of August 25, 2010.

Plaintiff seeks relief under the Washington Product Liability Act (WPLA), RCW 7.72 et seq., which creates several bases for manufacturer liability. A

ORDER GRANTING DEFENDANT MRDA'S MOTION FOR SUMMARY  
JUDGMENT ~ 1

1 “product seller” for purposes of the WPLA is “any person or entity that is engaged  
2 in the business of selling products . . .” and includes “a manufacturer, wholesaler,  
3 distributor, or retailer of the relevant product.” RCW 7.72.010. A “manufacturer”  
4 is a “product seller who designs, produces, makes, fabricates, constructs, or  
5 remanufactures the relevant product or component part of a product before its sale  
6 to a user or consumer.” RCW 7.72.010(2). The record leaves undisputed that  
7  
8 MRDA did not participate in the design or manufacture of the 1996 Eclipse to  
9 make it subject to the Washington Product Liability Act in this case. Furthermore,  
10 the Plaintiff indicated at oral argument before the Court on August 25, 2010, that  
11 she does not oppose the motion. Accordingly,  
12  
13  
14

15 **IT IS HEREBY ORDERED:**

16 1. Defendant MRDA’s summary judgment motion (**Ct. Rec. 61**) is  
17

18 **GRANTED.**

19 2. MRDA is **DISMISSED** as a defendant in this case.  
20

21 The District Court Executive is hereby directed to enter this Order, amend  
22 the case caption, and provide copies to counsel.  
23

24 **DATED** this 30th day of August, 2010.  
25

26 s/ Rosanna Malouf Peterson  
27 ROSANNA MALOUF PETERSON  
28 United States District Court Judge